

Report Date: June 25, 2013

PROB 12C
(7/93)**United States District Court**

for the

Eastern District of Washington**Amended Petition for Warrant or Summons for Offender Under Supervision**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 25 2013

SEAN F. McAVOY, CLERK
DEPUTY
SPRINGFIELD, WASHINGTON

Name of Offender: Jose Ventura

Case Number: 2:06CR06014-001

Address of Offender: 412 N. Elm Street, Pasco, WA 99301

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 7/16/2007

Original Offense: Transportation of a Minor with Intent to Engage in Criminal Sexual Activity, 18 U.S.C. § 2423(a)

Original Sentence: Prison - 33 Months;
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 2/20/2012

Defense Attorney: Douglas D. Phelps

Date Supervision Expires: 11/19/2014

PETITIONING THE COURT

The petition, dated May 31, 2013, is hereby amended to correct the special condition numbers for each violation.

The defendant appeared for his arraignment for these violations on June 24, 2013, and the revocation hearing is set for July 1, 2013. The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

- | | |
|---|--|
| 1 | <u>Special Condition # 16:</u> You shall actively participate and successfully complete an approved state-certified sex offender treatment program. You shall follow all lifestyle restrictions and treatment requirements of the program. You shall participate in special testing in the form of polygraphs and plethysmographs, in order to measure compliance with the treatment program requirements. You shall allow reciprocal release of information between the supervising probation officer and the treatment provider. You shall pay for treatment and testing according to your ability. |
| 2 | <u>Special Condition #17:</u> You shall be prohibited from possessing or manufacturing any material, including videos, magazines, photographs, computer-generated depictions, or any other forms that depict sexually explicit conduct involving children or adults, as defined at 18 U.S.C. § 2256(2). Neither shall you enter nor frequent any establishment involved in the sex industry, including adult bookstores, massage parlors, and strip bars. You shall not utilize any sex-related adult telephone numbers. The supervising probation officer is authorized to monitor compliance in this area by obtaining telephone records. |

Prob12C

Re: Ventura, Jose

June 25, 2013

Page 2

3 **Special Condition # 27:** You shall be prohibited from accessing the internet on any electronic device without an approved chaperone, except for access of GPS maps for work purposes. You shall be subject to polygraphs to monitor any unapproved internet access.

Supporting Evidence: Violations 1, 2 and 3 are combined for brevity.

Jose Ventura is considered in violation of his supervised release as he was terminated from sex offender treatment on or about May 29, 2013.

Mr. Ventura was attending sex offender treatment at Riverview Counseling in Richland, Washington. According to his counselor, Matthew Cummings, the defendant failed to complete a missed session, failed to abide by the treatment rules of not viewing images for pornographic purposes or viewing any pornography, and was using the internet to gain access to these images even after condition was imposed not to use the internet without an approved chaperone.

Since resuming treatment with Mr. Cummings in March 2012, Mr. Ventura struggled with objectification and viewed materials almost every month during his treatment that were not per se pornography, but were used for pornographic purposes. He would obtain these images primarily through the use of his Smartphone. He would disclose his use of viewing sexual images to the provider and attempts to remedy this use were discussed, but Mr. Ventura struggled to abstain from viewing the material and was not completely honest on the amount of viewing he did until he was advised of an upcoming polygraph examination.

Prior to a polygraph examination in March 2013, Mr. Ventura disclosed he had minimized the amount of explicitness of the materials and the volume he had used. He advised that in addition to the sexual images, he had also viewed actual pornographic material in December 2012, and January and February 2013. The defendant again viewed sexual images in April 2013, violating his internet restriction use. Mr. Ventura advised Mr. Cummings on May 28, 2013, that he had again viewed sexual images in the past week.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/25/2013

s/SanJuanita B. Coronado

SanJuanita B Coronado
U.S. Probation Officer

Prob12C

Re: Ventura, Jose

June 25, 2013

Page 3

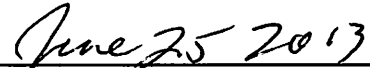
THE COURT ORDERS

- ☒ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☒ Other:

This Petition replaces the Petition at ECF No. 113 to correct scrivener error of Special Condition numbers. No additional initial appearance is required.



Signature of Judicial Officer



Date